

**FILED****2013 DEC 23 PM 4: 21****CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE**

BY \_\_\_\_\_

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 9 **UNITED STATES DISTRICT COURT**  
 10 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

**EDCV13-02357 RGK(RZ)**

11 JOELL BRADFORD, an individual,

) Case No.:

12 Plaintiff

)

) **COMPLAINT AND DEMAND FOR**

13 v.

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) **JURY TRIAL (Unlawful Debt**

)

) **Collection Practices)**

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15 MEDICREDIT, INC., a corporation;  
16 and DOES 1 through 10 inclusive,

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17 Defendants.

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22 **I. INTRODUCTION**

23 1. This is an action for damages brought by an individual consumer against  
 24 Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*  
 25 (“FDCPA”), and the California Rosenthal Act, Civil Code §1788 *et seq.* (“Rosenthal Act”)  
 26 both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair  
 27 practices.

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## II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1331. Supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367. Venue in this District is proper in that the Defendants transact business here and the conduct complained of occurred here.

## III. PARTIES

3. Plaintiff JOELLE BRADFORD is a natural person residing in the state of California, County of San Bernardino.

4. Defendant MEDICREDIT, INC. at all times relevant was a corporation doing business of collecting debts in San Bernardino County, California operating from an address at 3 City Place Dr., Suite 690, St. Louis, MO 64131. Its agent for service of process is CT Corporation System, 818 W. Seventh St., Los Angeles, CA 90017.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendants are "debt collectors" as defined by the FDCPA, 15 U.S.C. §1692a(6), and by the Rosenthal Act, California Civil Code § 1788.2(c).

6. The true names and capacities, whether individual, corporate (including officers and directors thereof), associate or otherwise of Defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sue these Defendants by such fictitious names. Plaintiff is informed and believe, and alleges that each Defendant designated as a DOE is involved in or is in some manner responsible as a principal, beneficiary, agent, co-conspirator, joint venturer, alter ego, third party beneficiary, or otherwise, for the agreements, transactions, events and/or acts hereinafter described, and thereby proximately caused injuries and damages to Plaintiff. Plaintiff requests that when the true names and capacities of these DOE Defendants are ascertained, they may be inserted in all subsequent proceedings, and that this action may proceed against them under their true names.

7. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §1692a(3).

8. The purported debt that Defendants attempted to collect from Plaintiff was a “debt” as defined by the FDCPA, 15 U.S.C. §1692a(5).

9. Plaintiff is a “debtor” as defined by the Rosenthal Act, California Civil Code § 1788.2(h).

10. The purported debt which Defendants attempted to collect from Plaintiff was a “consumer debt” as defined by the Rosenthal Act, California Civil Code §1788.2(f).

## IV. FACTUAL ALLEGATIONS

11. The FDCPA was enacted to “eliminate abusive debt collection practices by debt collectors, to insure those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent state action to protect consumers against debt collection abuses.”

12. At a time unknown, Defendant acquired information regarding an alleged account (the “Account”) it claimed belonged to Plaintiff.

13. On or about January 18, 2013 Plaintiff paid the Account in full and nothing further was owed on the Account.

14. After Plaintiff paid the Account in full, Defendant contacted Plaintiff and demanded payment.

15. After Plaintiff paid the Account in full, Defendant submitted false information to Plaintiff's credit bureaus.

16. The false information indicated that Plaintiff still owed a balance on the Account.

17. Despite not owing anything further Plaintiff desired to resolve the situation to improve her credit.

18. Plaintiff contacted the original creditor and was informed that if she paid \$53.57 the Account would be closed and deleted from her credit report.

19. Despite not owing anything further on the Account and being informed by the original creditor that only \$53.57 was due, Defendant demanded a payment of \$262.89 plus a processing fee of \$4.95.

20. In or around September 2013 Defendant reported to Trans Union, Experian and Equifax that the balance on the Account was \$554. Defendant knew or should have known that this amount was not accurate.

21. On or about November 1, 2013, Plaintiff paid the additional amounts demanded by Defendant even though she did not owe anything further on the Account.

22. As a result of Defendant's actions Plaintiff suffered emotional distress and damage to her credit worthiness.

## V. FIRST CLAIM FOR RELIEF

**(Against Defendants for Violation of the FDCPA)**

23. Plaintiff repeats, realleges and incorporates by reference all of the foregoing paragraphs.

24. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

- (a) The Defendants violated 15 U.S.C. § 1692e by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
- (b) The Defendants violated 15 U.S.C. § 1692e(2)(A) by giving the false impression of the character, amount or legal status of the alleged debt;
- (c) The Defendants violated 15 U.S.C. § 1692e(8) by communicating or threatening to communicate credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed;
- (d) The Defendants violated 15 U.S.C. § 1692e(10) by using a false representation or deceptive means to collect or attempt to collect any debt or to obtain information regarding a consumer;
- (e) The Defendant violated 15 U.S.C. § 1692(f) by using unfair or unconscionable means to collect or attempt to collect a debt; and
- (f) The Defendants violated 15 U.S.C. § 1692(f)(1) by attempting to

1 collect an amount not authorized by the agreement that created the  
2 debt or permitted by law.

3 25. As a result of the above violations of the FDCPA, Defendant is liable to the  
4 Plaintiff for Plaintiff's actual damages, statutory damages, and attorney's fees and costs  
5 pursuant to 15 U.S.C. §1692k.

6 **VI. SECOND CLAIM FOR RELIEF**

7 **(Against Defendants for Violation of the Rosenthal Act)**

8 26. Plaintiff repeats, realleges, and incorporates by reference all of the foregoing  
9 paragraphs.

10 27. Defendants violated the Rosenthal Act, by including but not limited to, the  
11 following:

12 (a) The Defendants violated California Civil Code §1788.17 by failing to  
13 comply with the FDCPA as alleged above.

14 28. Defendants' acts as described above were done intentionally with the purpose of  
15 coercing Plaintiff to pay the alleged debt.

16 29. As a proximate result of Defendants' violations enumerated above, Plaintiff  
17 has been damaged in amounts which are subject to proof.

18 30. Defendants' violations of the Rosenthal Act were willful and knowing.  
19 Defendants are therefore liable to Plaintiff for Plaintiff's actual damages, statutory damages,  
20 and attorney's fees and costs pursuant to California Civil Code §1788.30.

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1       **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against  
2 Defendants and each of them for the following:

- 3           (a) Actual damages;
- 4           (b) Statutory damages pursuant to 15 U.S.C. §1692k and California Civil Code
- 5               §1788.30(a);
- 6           (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k and
- 7               California Civil Code §§1788.30(b) and 1788.30(c);
- 8           (d) For such other and further relief as the Court may deem just and proper.
- 9

10 Date: 12/17/13


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12 \_\_\_\_\_  
13 Jeremy S. Golden,  
14 Attorney for Plaintiff

15                               **DEMAND FOR JURY TRIAL**

16       Please take notice that Plaintiff demands trial by jury in this action.

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18 Date: 12/17/13

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20 \_\_\_\_\_  
21 Jeremy S. Golden,  
22 Attorney for Plaintiff

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge R. Gary Klausner and the assigned Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

5:13cv02357 RGK (RZx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

December 23, 2013

Date

By L. Adams

Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☒ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

Jeremy S. Golden (SBN 228007)  
 Golden & Cardona-Loya, LLP  
 3130 Bonita Road, Suite 200B  
 Chula Vista, CA 91910  
 jeremy@goldencardona.com  
 Phone: 619-476-0030; Fax: 775-743-0307

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

JOELL BRADFORD, an individual,

v.

MEDICREDIT, INC., a corporation; and DOES 1  
 through 10 inclusive,

DEFENDANT(S).

CASE NUMBER

**EDCV13-02357**

PLAINTIFF(S)

**SUMMONS**

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Jeremy S. Golden, whose address is 3130 Bonita Road, Suite 200B, Chula Vista, CA 91910. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 12/23/13

By: [Signature]

Deputy Clerk

(Seal of the Court)



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[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



## CIVIL COVER SHEET

I. (a) PLAINTIFFS ( Check box if you are representing yourself ☐ )

JOELL BRADFORD, an individual

DEFENDANTS ( Check box if you are representing yourself ☐ )

MEDICREDIT, INC., a corporation; and DOES 1 through 10 inclusive

## (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Jeremy S. Golden (SBN 228007), Golden & Cardona-Loya, LLP  
3130 Bonita Road, Suite 200B, Chula Vista, CA 91910  
Phone: 619-476-0030; Fax: 775-743-0307

## (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1. U.S. Government Plaintiff☒ 3. Federal Question (U.S. Government Not a Party)☐ 2. U.S. Government Defendant☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

Citizen of This State

PTF ☐ 1DEF ☐ 1

Incorporated or Principal Place of Business in this State

PTF ☐ 4DEF ☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

## IV. ORIGIN (Place an X in one box only.)

☒ 1. Original Proceeding☐ 2. Removed from State Court☐ 3. Remanded from Appellate Court☐ 4. Reinstated or Reopened☐ 5. Transferred from Another District (Specify)☐ 6. Multi-District LitigationV. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq.

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus: 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument			<input type="checkbox"/> 535 Death Penalty	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment			<input type="checkbox"/> Other: 540 Mandamus/Other	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act			<input type="checkbox"/> 550 Civil Rights	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)			<input type="checkbox"/> 555 Prison Condition	
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits			<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits			<input type="checkbox"/> FORFEITURE/PENALTY	
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise				
<input type="checkbox"/> 893 Environmental Matters					
<input type="checkbox"/> 895 Freedom of Info. Act					
<input type="checkbox"/> 896 Arbitration					
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision					
<input type="checkbox"/> 950 Constitutionality of State Statutes					

FOR OFFICE USE ONLY: Case Number

EDCV13-02357-RGK(RZX)

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
	Missouri

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**NOTE: In land condemnation cases, use the location of the tract of land involved.**

<b>County in this District:*</b>	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino County	

\*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_ **DATE:** 12/17/2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate Instructions sheet).

Key to Statistical codes relating to Social Security Cases:

**Nature of Suit Code**      **Abbreviation**

**Substantive Statement of Cause of Action**

- |     |      |  |
|-----|------|--|
| 861 | HIA  | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL   | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)  |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))  |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.  |
| 865 | RSI  | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |